



# THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Franciscus GEERTS

Appl. No. 09/767,496

U.S. Patent No.:

Filed: January 24, 2001

Issued:

For: **VEHICLE FOR DETERMINING THE CLIMATE**

Confirmation No. 2695

Art Unit: 2636

Examiner: Anh V. La

Atty. Docket: 04132.0096.PCUS00

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OCT 28 2008

OFFICE OF PETITIONS

## AUTHORIZATION TO CHARGE FEES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

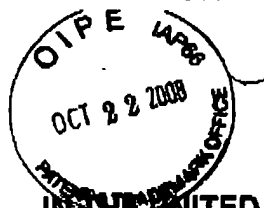
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment in conjunction with the contemporaneously filed Request for Correction of Entity Status, including any petition fees, to Deposit Account No. 08-3038 referencing Docket No. 04132.0096.PCUS00. If extensions of time under 37 C.F.R. § 1.136 are required to prevent expiration/abandonment of the present patent/application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0096.PCUS00.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)  
Attorney of Record

Adjustment date: 01/26/2009 CKHLOK  
10/24/2008 DALLIN 00000015 09767496  
02 FC:1464 -130.00 DP  
Repln. Ref: 01/26/2009 CKHLOK 0010351500  
DAH:083038 Name/Number:09767496  
FC: 9204 \$130.00 CR

DM\_EU:8848583\_1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

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OFFICE OF PETITIONS

**REQUEST FOR CORRECTION OF ENTITY STATUS AND  
PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper and petition is submitted to correct the entity status for the above-referenced patent and its corresponding application and to petition the Office to accept the deficiency in payment of fees corrected hereby, pursuant to 37 C.F.R. §§1.27 and 1.28.

The Assignee of Record recently became aware that its US patent counsel had continued to improperly claim small entity status subsequent to the assignee's loss of this entitlement on January 1, 1994. Thus, all fees paid in this application from January 1, 1994 to present must be adjusted to the full and correct value.

Assignee requests that the Office correct the entity status of the patent and the corresponding application. Assignee further requests that the Office accept and process the deficiency payment submitted herewith in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be found in Exhibit B.

Submitted herewith as Exhibit A is a Revocation of Power of Attorney and New Power of Attorney

US P.  
Applicant: Karel van den BERG  
Appl. No. 09/767,496  
Page 2 of 2

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and Change of Correspondence Address, together with a Statement Under 37 C.F.R. §3.73(b), signed by the agent authorized to act on behalf of the Assignee filed in the U.S. Patent and Trademark Office on April 23, 2008, including a copy of the Notice of Acceptance of Power of Attorney mailed May 1, 2008.

Also submitted herewith as Exhibit B is an itemized listing of all fees paid, after January 1, 1994, during prosecution of this application, as Issue Fee payment, as Maintenance Fees, and as any other fees paid. All applicable surcharges are also included therein. This list is believed to be a comprehensive listing of all applicable fees and corresponding deficiencies. The correct fee amounts are calculated for the present date. The total deficiency is calculated at the bottom of the table and a \$130 petition fee in accordance with 37 CFR 1.28(C)(3) and 1.17(i) is added thereto. Payment for the total amount is attached hereto in the form of a check made out to the Commissioner, United States Patent Office.

Respectfully submitted,



Michael J. Bell (Reg. No. 39,604)  
Attorney of Record

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND                         |                                   |                                     |                          |   |           |
|---|-----------------------------------|-------------------------------------|--------------------------|---|-----------|
| 1 Date of Request: <u>01/09/09</u>                    |                                   | 2 Serial/Patent # <u>09/767,496</u> |                          |   |           |
| 3 Please refund the following fee(s):                 |                                   | 4 PAPER NUMBER                      | 5 DATE FILED             | 6 AMOUNT  |           |
|   | Filing                            |                                     |                          | \$  |           |
|   | Amendment                         |                                     |                          | \$  |           |
|   | Extension of Time                 |                                     |                          | \$  |           |
|   | Notice of Appeal/Appeal           |                                     |                          | \$  |           |
| X   | Petition                          | PET.OP                              | 10/22/08                 | \$ 130.00   |           |
|   | Issue                             |                                     |                          | \$  |           |
|   | Cert of Correction/Terminal Disc. |                                     |                          | \$  |           |
|   | Maintenance                       |                                     |                          | \$  |           |
|   | Assignment                        |                                     |                          | \$  |           |
|   | Other                             |                                     |                          | \$  |           |
|   |                                   |                                     | 7 TOTAL AMOUNT OF REFUND |   | \$ 130.00 |
|   |                                   |                                     | 8 TO BE REFUNDED BY:     |   |           |
|   |                                   |                                     | Treasury Check           |   |           |
|   |                                   |                                     | X                        | Credit Deposit A/C #:   |           |
|   |                                   |                                     | 9                        | <div style="border: 1px solid black; display: inline-block; padding: 2px;"> 0 8 -- 3 0 3 8 </div> |           |
| 10 REASON:  |                                   |                                     |                          |   |           |
|   | Overpayment                       |                                     |                          |   |           |
|   | Duplicate Payment                 |                                     |                          |   |           |
| X   | No Fee Due (Explanation):         |                                     |                          |   |           |
| PETITION FEE DEEMED UNNECESSARY                       |                                   |                                     |                          |   |           |
|   |                                   |                                     |                          |   |           |
|   |                                   |                                     |                          |   |           |
| 11 REFUND REQUESTED BY:                               |                                   |                                     |                          |   |           |
| TYPED/PRINTED NAME: <u>April M. Wise</u>              |                                   | TITLE: <u>Petitions Examiner</u>    |                          |   |           |
| SIGNATURE: <u>/APRILMWISE/</u>                        |                                   | PHONE: <u>571-272-1642</u>          |                          |   |           |
| OFFICE: <u>Office of Petitions</u>                    |                                   |                                     |                          |   |           |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** |                                   |                                     |                          |   |           |
| APPROVED: <u></u>                                     |                                   | DATE: <u>1/26/09</u>                |                          |   |           |

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**Office of Finance  
Refund Branch  
Crystal Park One, Room 802B**

USPTO  
OFFICE

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# EXHIBIT A

PTO/SB/82 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

|                        |                      |
|------------------------|----------------------|
| Application Number     | 2008074746 PA 4-10   |
| Filing Date            | January 24, 2001     |
| First Named Inventor   | Franciscus T. GEERTS |
| Art Unit               | 2832                 |
| Examiner Name          | Anh V. La            |
| Attorney Docket Number | 04132.0096.PCUS00    |

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

22930

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

22930

OR


|   |   |       |    |
|---|---|-------|----|
| <input checked="" type="checkbox"/> Firm or Individual Name | HOWREY LLP  |       |    |
| Address   | C/O DOCKETING DEPARTMENT<br>2941 FAIRVIEW PARK DRIVE<br>BOX 7 |       |    |
| City  | FALLS CHURCH  | State | VA |
| Country   | USA   |       |    |
| Telephone   | 703.663.3600  | Email |    |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

|           |   |           |                 |
|-----------|---|-----------|-----------------|
| Signature |  |           |                 |
| Name      | Frans J.A. de Groen   |           |                 |
| Date      | 28 March 2008   | Telephone | 31.10.59.96.333 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (01-08)

Approved for use through 03/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## STATEMENT UNDER 37 CFR 3.73(b)

208 OCT 23 PM 4:10

Applicant/Patent Owner: Franciscus T.C. GEERTSApplication No./Patent No.: 09/767,496 Filed/Issue Date: January 24, 2001Entitled: VEHICLE FOR DETERMINING THE CLIMATELely Research Holding AG, a Limited Liability Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011489, Frame 0782, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.06]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

28 March 2008

Signature

Date

Frans J.A. de Groen31.10.99.96.333

Printed or Typed Name

Telephone Number

Dutch Representative  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT                   | ATTY. DOCKET NO./FILE |
|--------------------|-----------------------|---|-----------------------|
| 09/767,496         | 01/24/2001            | Franciscus Theodorus<br>Cornelis Geerts | 04132.0096.PCUS00     |

CONFIRMATION NO. 2695

POA ACCEPTANCE LETTER

22930  
HOWREY LLP  
C/O IP DOCKETING DEPARTMENT  
2941 FAIRVIEW PARK DR, SUITE 200  
FALLS CHURCH, VA 22042-2924



\*OC000000029894369\*

Date Mailed: 05/01/2008

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/trwoodson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# EXHIBIT B

# **REQUEST FOR CORRECTION OF ENTITY STATUS** **Itemization of the Deficiency Payment**

| Application No.                                       | Patent No. | Type of fee Paid as Small Entity    | Payment Date of Small entity Fee | Small Entity Fee Actually Paid | Current Fee Amount for Non-Small Entity | Surcharge Fee | Deficiency Amount Owed |
|---|------------|-------------------------------------|----------------------------------|--------------------------------|---|---------------|------------------------|
| 09/767,496  |            | Filing Fee                          | Jan. 26, 2001                    | \$355                          | \$850                                   |               | \$495                  |
|   |            | Excess Claims Fee (10 dep.)         | Jan. 26, 2001                    | \$90                           | \$520                                   |               | \$430                  |
|   |            | Recordal Fee                        | Jan. 26, 2001                    | \$40                           | \$40                                    |               | 0                      |
|   |            | Excess Claims Fee (1 dep.)          | May 8, 2001                      | \$9                            | \$52                                    |               | \$43                   |
|   |            | Excess Claims Fee (2 dep.)          | July 17, 2002                    | \$18                           | \$104                                   |               | \$86                   |
|   |            | Excess Claims Fee (1 indep.)        | July 17, 2002                    | \$42                           | \$220                                   |               | \$178                  |
|   |            | Extension of Time (3 mo.)           | July 17, 2002                    | \$460                          | \$1,110                                 |               | \$650                  |
|   |            | Extension of Time (3 mo.)           | April 23, 2003                   | \$465                          | \$1,110                                 |               | \$645                  |
|   |            | Notice of Appeal                    | April 23, 2003                   | \$160                          | \$540                                   |               | \$380                  |
|   |            | Filing Fee                          | March 5, 2008                    | \$810                          | Correctly Paid                          |               | 0                      |
|   |            | Petition to Revive -- Unintentional | March 5, 2008                    | \$1540                         | Correctly Paid                          |               | 0                      |
|   |            | Extension of Time (5 mo.)           | March 5, 2008                    | \$2230                         | Correctly Paid                          |               | 0                      |
| <b>Total Deficiency Payment Owed</b>                  |            |                                     |                                  |                                |   |               | <b>\$2,907</b>         |
| <b>Petition Fee for Petition under 37 CFR 1.28(c)</b> |            |                                     |                                  |                                |   |               | <b>\$5130</b>          |
| <b>TOTAL PAYMENT</b>                                  |            |                                     |                                  |                                |   |               | <b>\$3,037</b>         |

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